

## A COMPREHENSIVE REVIEW OF THE KING LAND CASE.

A COMPLETE HISTORY OF THE CASE WRITTEN BY A SPECIAL REPRESENTATIVE

OF THE WEST VIRGINIAN—AFFECTS FIVE HUNDRED THOUSAND ACRES OF LAND

IN SOUTHERN WEST VIRGINIA AND VIRGINIA—THIS ARTICLE IS WORTH PRESERVING.

The King land case, for which a special term of Circuit Court was held Monday, and which was put off until July 15, owing to the absence of Attorney Stiles, who represents King, is the most renowned case in the history of our State. There are 500,000 acres of land in question, situated formerly in Wythe and Russel counties, Virginia, on the waters of the Sandy and Guyandotte rivers, and now embraced in Logan, Mingo, McDowell and Wyoming counties, West Virginia, in Buchanan county Virginia, and in Kentucky.

In 1792 the State of Virginia passed a law offering for sale the "waste and unappropriated" lands west of the Alleghenies at the rate of two cents per acre. Syndicates were formed and most of the lands were entered for. But what has caused a great deal of trouble is that in some cases the grants overlap each other, or the same tract is covered with two or more grants.

About the year 1794, Wilson Cary Nicholas, who was commander of General Washington's body guard in the Revolution, entered for several large tracts of land, one of them being the 500,000 acres in question. The next year this was assigned by Nicholas to Robert Morris, the "Banker of the Revolution," who obtained a patent for it. Morris deeded the tract to James Swan, who deeded one-fourth to Dallarde, one-half to Schwitzer and then deeded all his lands in Virginia and Kentucky—in all over two and a half million acres—to Allison, including the 500,000 acre tract; notwithstanding that he had already deeded most of this tract. Allison conveyed the whole of the lands to Hollbrook, and Hollbrook to Tregent. Then Hollbrook, overlooking his conveyance to Tregent, deeded the 500,000 acre tract to Green and DeForest, trustees for the Virginia and Kentucky Real Estate Trust Fund. Then, in 1887 a granddaughter of Hollbrook claimed an interest in the 500,000 acres. She conveyed it to Grooms, who conveyed it to Armstrong.

In 1838 John Peter Dumas was appointed trustee, by the General Assembly of Virginia, vested with all the lands which James Swan had died possessed of, the lands to be sold for the benefit of Swan's creditors. Dumas paid no attention to the deeds made by Swan to Dallarde, Schwitzer and Allison, but conveyed 300,000 acres of the 500,000 acre tract to Thornfield, who in turn conveyed it to a French corporation. This corporation was dissolved in 1857, and made a deed to Maupertins, who, so far as can be learned, never disposed of his claim.

Dumas claimed the remaining 200,000 acres until his death, when his son claimed title by inheritance. Dumas' son was an alien and could not legally hold the land, so it was escheated in 1850. Thus the claims of Dumas went to the State of Virginia. In 1855 the Circuit Court of Kanawha appointed Josiah Randall trustee. He was succeeded by Robert Randall, who was succeeded by Reed. The latter sold all claims to the remaining 200,000 acres to Armstrong in 1891. Reed claimed that through a lien on Thornfield's part he had a right to sell the other 300,000 acres, which he conveyed to Armstrong. Later Reed and Armstrong conveyed most of the tract to LeMoyné.

The Pittsburg National Bank of Commerce claimed title to three-fourths of the 500,000 acre tract. Although there is no record, it is claimed that the land was sold from Dallarde and Schwitzer, passed through different hands until it came into the hands of the Pittsburg bank. This bank conveyed its claim to Armstrong in 1893. Armstrong and LeMoyné have both conveyed their claims to Henry C. King, who is a party to the suit.

At different times have the lands in question become the property of the State according to the laws thereof,

for the non-payment of taxes. The case of the State of West Virginia against LeMoyné et al., which was instituted in the Circuit Court of Logan county, in 1893, charged that the 500,000 acres, so far as they lie in West Virginia, were forfeited for non-entry and non-payment of taxes, and asked that the parts situated in Logan county be sold for the benefit of the school fund. On motion of the plaintiff the case was dismissed in January, 1894, but was repleaded in June, of the same year. King filed his petition in answer to the bill, and asked to have the case removed to the Federal Court. At the same time, and in the same court, the State instituted a like suit against several other parties holding lands under similar circumstances. All of these cases were consolidated and transferred to the Circuit Court of Kanawha county, where they are (Continued on 4th page.)

## BAD AIM

PROBABLY SAVED WORSE TROUBLE LAST NIGHT NEAR FOUNTAIN RESTAURANT.

EXCITEMENT BUT NO BLOODSHED—WM. MILLER HELD FOR ACTION OF GRAND JURY.

The alley in the rear of the Fountain Restaurant was the scene of a shooting affair late last night, in which two men, C. D. Stansill and M. H. Vincent, and a negro, William Miller, Ann Petty's better(?) half, were the principals.

The version of the affair that Stansill and Vincent give is that they were in the Fountain Restaurant talking with the night clerk with whom they are well acquainted, and after conversing with him a few moments they walked out through the rear door to consult a veterinary surgeon, whose office is located in the alley. The men say that just as they stepped into the alley Miller followed them and without any provocation, opened fire. Fortunately no one was hit.

A colored man who was an eye witness of the trouble states that the two white men came out the back door and stopped. Then he says Miller came up the alley, entered the door without a word being spoken by either of the three men, remained inside a few moments, came out, and just as he stepped from the door, the larger man hit him over the head with a rain coat, knocking his hat off. He stooped to regain his hat and asked, "What the h—l do you mean?" One of the men called him a vile name and he (Miller) immediately retired a few steps and opened fire. As stated above, no damage was done. As soon as he had emptied his gun Miller took to his heels. Chief Bartholow heard the firing from Main street, and rushing through the saloon followed the fugitive down the hill and across the bridge, at the other end of which Miller ran into Policeman Fortney. He was held by Justice Bennington under \$400 bond for the next grand jury.

## CHIEF PRICE

HAS RESIGNED—MORGANTOWN OFFICERS THOUGHT THEY WERE UP AGAINST IT

AND HANDED IN THEIR RESIGNATIONS EARLY TO AVOID THE RUSH.

MORGANTOWN, W. VA., April 26.—(Special)—Chief of Police R. B. Price and one of the force have resigned. They felt that a change was going to be made and concluded not to face the music. They thought they would rather resign than be turned down.

GAMES POSTPONED—SEM. BOYS GO HOME.

MORGANTOWN, W. VA., April 26.—(Special)—The game to have been played yesterday between the Buckhannon Seminary and W. V. U. was postponed on account of the weather. This made a re-arrangement of all games necessary, so Buckhannon has cancelled all dates and will go home to-day.

## A BAD MAN FOLLOWED LADIES.

TWO YOUNG LADIES HAVE EXCITING EXPERIENCE ON THEIR WAY HOME

FROM THE GRAND LAST NIGHT. POLICEMAN CALLED AND MAN ARRESTED.

After the performance of "The Peacemaker" at the local theatre last night, two young ladies who participated in the production, started for their home on Jefferson street without an escort. They had gone but a few steps when they observed a man following them, whose actions were anything but reassuring.

The man followed them all the way to their home, and even stepped up on the porch after they had fled into the house. The young ladies telephoned for assistance and Officers Ridgley and Shaw, who responded, had no difficulty in arresting the man, who seemed to be suffering more from mental derangement than intoxicants. Mayor Kinsey fined him \$8.00 this morning.

Mike Peprash was found between two freight cars near the B. & O. station yesterday afternoon, dead drunk, \$6.00.

A young railroader was pinched yesterday afternoon for disorderly conduct. He drew a \$7.00 prize.

## ARE HERE.

"WILD ANIMALS FOR THE COUNTRY CIRCUS."

Schools To Be Dismissed For the Mammoth Street Parade.

The wild animals for the "Country Circus" to be given at the "Grand Thursday evening, arrived on No. 8 express this a. m. and are now caged and carefully guarded at the opera house.

They are direct from the "Zoo" at Washington and will all be seen in the parade on Thursday.

The circus management are pleased with the advance sale of tickets at Christie's and feel confident that the public is going to patronize an affair which will give them full value received for their money.

Principal W. L. McCowan, of the Normal and Supt. Rosier of the City Schools will dismiss the schools at 11:30 Thursday in order to give the students an opportunity to see the mammoth parade through the streets of the city.

Rehearsals of all performers will be held at the Opera House to-night. The public will not be allowed at these rehearsals and the performers will come into the Opera House through the stage entrance on Jackson street.

## HEARING POSTPONED

Evidence Not All In—Postponement Asked For By Prosecuting Attorney.

The hearing which was to be given William Tuning, the proprietor of the "Speakeasy" which was pulled at Emerson Saturday night, has been postponed. The Prosecuting Attorney asked for the postponement, as he is not ready to produce all his evidence. At present it is not known when the hearing will be given.

Landslide Delayed Train. A landslide occurred between Pickens and Weston this morning, which delayed the passenger train due here at 12:10, two hours and fifteen minutes. Another train was made up at Weston, which transferred the passengers and baggage and arrived here on time.

King and Queen In Ireland. KINGSTON, IRELAND, (Special)—King Edward and Queen Alexandra landed on Irish soil this morning for their second visit to Emerald Isle since their coronation. They were received with great enthusiasm and the city was brightly decorated in their honor. After receiving local officials the royal party proceeded to the Punchtown races.

## FAIRMONT'S BIGGEST BABY.

ROBERT S. MONROE, JR., IS ONLY SEVEN MONTHS OLD AND WEIGHS 45 POUNDS.

HE IS NOT A FREAK, BUT JUST A FINE BRIGHT BABY BOY. IS ALWAYS HAPPY.

HIS GRANDFATHER CALLS HIM "JUDGE" BECAUSE HE IS TOO BIG FOR BABY NAMES.

"Have you seen the big baby?" is a very common question asked by the people in the Fifth ward. And indeed he is worth seeing. It is a very rare thing to see a baby only seven months old weigh more than many children from three to five years of age, but Robert S. Monroe, Jr., is just that kind of baby.

The writer had heard of the child, so yesterday evening he went to the home of Mr. Robert Monroe, on View street, and asked to see their fat baby. Mr. Monroe was on the porch, and he good-naturedly said "Come right in." Then he called Mrs. Monroe, who brought the fat baby for us to look at him. At first he seemed a little shy, but when we got our tape line and began to measure him "from top to toe," he seemed to join in the fun and showed just what his mother said that he was one of the sweetest babies in the world. He is a very sweet-faced child, and his bright eyes and pleasant smile makes you love him at once.

The Tape Line In Use. As stated above, Robert weighs 45 pounds. The following measurements will give some idea of the size of the baby, but he has to be seen to be appreciated.

Around the knee he measures 13 1/2 inches; at the calf 10 1/2 inches; around the thigh, 21 inches; around the waist 27 inches; across the hips (flat measure) 19 inches; around fleshy part of wrist, 9 1/2 inches; around the head, 19 1/2 inches; is 33 inches in height. These figures seem incredulous, but they are absolutely correct. Mr. Monroe says his mother used to tell him that he weighed 36 pounds when he was six months old, and he thought she must be mistaken, but now he thinks it was true. He now weighs 235 pounds "in his stocking feet," and he is not a fleshy man. Mrs. Monroe weighs about 135.

Robert is certainly a remarkable child. He eats nothing but his mother's milk, but that seems to be enough to make him fat. His body and limbs are just rolls of fat, creased like he had wire tightly wrapped around him at various places.

## A NEW SCHEME

DANISH COUPLE WED WITHOUT A PRIEST OR A REGISTRAR.

SIMPLY ANNOUNCE IN THE PRESS THAT THEY WILL LIVE TOGETHER.

COPENHAGEN, April 26.—A young couple with too advanced ideas to believe in either marriage by church or by State have just announced their marriage in a leading paper of this city in the following words:

"This is to notify that we, the undersigned, have contracted an alliance of friendship and matrimony in free form and without the registrar.

"For those of our friends who esteem and respect us, this, our self-willed decision, will be sufficient.

"We are convinced that matrimonial bliss is based only upon esteem. We gladly resign further acquaintance with those who cannot discover personal value outside of law."

The announcement is signed Augusta Groenwall and Heinrich Lauer, and it is added that Mrs. Augusta Groenwall will in the future sign Mrs. Augusta Groenwall-Lauer.

Suit In Chancery. The Standard Scale and Supply Co. has entered suit against the Augusta Pottery Co., in chancery. E. F. Morgan is attorney for the plaintiff.

## ELECTRICAL DISPLAY, MERRY-GO-ROUND AND BASE BALL

## HEAP MUCH GOLD.

FIFTEEN TONS OF THE YELLOW STUFF LEFT NEW YORK TODAY ON BOARD

NORTH GERMAN LLOYD'S STEAMER KAISER WILHELM DER GROSSE.

NEW YORK, April 26.—(Special)—North German Lloyd's steamer Kaiser Wilhelm Der Grosse with six million dollars worth of gold locked in her strong room below the decks sailed for Europe to-day. The treasure is believed to be part of the first payment of forty millions to France for the Panama Canal, and is the largest shipment of gold in the last three years. It is up to the limit permitted by the insurance companies for one ship, else to-day's shipment would have been greater. The gold shipped to-day is in bars packed in kegs. The total weight is fifteen tons.

## RUNNIE MITIE FASTIE

DID AUTO WITH PRINCE PULUN TSEE YESTERDAY AT THE NATIONAL CAPITAL.

WILL BE ENTERTAINED BY SECRETARY HAY THIS AFTERNOON.

WASHINGTON, D. C., April 26.—Prince Pulun Tsee, nephew of the Chinese Emperor, awoke this morning feeling just a little worse for the extreme excitement of yesterday.

His experience on the "Red Devil" wagon was the most thrilling of the Prince's royal life. He whizzed from the Willard Hotel to the Soldiers' Home in eight minutes, the speed laws of the District being smashed to smithereens with every turn of the wheels. The Prince gripped the sides of the auto and turned a shade paler, but smiled grimly throughout the trip, declaring he had a magnificent ride. The Prince inspected the Soldiers' Home and fire engine houses. This afternoon he will be entertained at luncheon by Secretary Hay, President Roosevelt being one of the distinguished guests.

The last item of the Prince's entertainment at the capital will be the introduction to the Countess Cassini's Red Cross Bazaar this evening.

## JOHN K. COWEN

FORMER PRESIDENT OF THE B. & O. DEAD—EXPIRED SUDDENLY IN CHICAGO LAST NIGHT.

HAD BEEN ILL FOR OVER FOUR MONTHS WITH HEART TROUBLE.

CHICAGO, April 26.—John K. Cowen, former president of the Baltimore and Ohio Railroad, died last night at the residence of his sister, Mrs. A. H. Seelye, in Chicago. Mr. Cowen had been ill for four months with heart trouble, and for some time his illness was expected to have a fatal termination, although the end last night came suddenly.

Small-Pox at Gladesville. GLADESVILLE, W. Va., April 26.—(Special.)—Small-pox has broken out at Gladesville, Preston county. No deaths are reported and the affected district is under strict quarantine.

ARE SOME OF THE ATTRACTIONS PLANNED BY THE EAST FAIRMONT COMPANY

FOR THE THIRTY ACRE PARK ON THE BANKS OF THE MONONGAHELA RIVER.

TWELVE THOUSAND DOLLARS TO BE SPENT IN IMPROVEMENTS. WORK TO COMMENCE SOON.

Upon special invitation a representative of the West Virginian this morning visited the grounds owned by the East Fairmont Company down the Monongahela river a short distance above Rivesville. Messrs. J. W. Bolce and Ed Slack and the writer started down the river about eight o'clock. Many plans of the company were discussed, and we give them so that our readers may know what is in store for the pleasure-loving people the coming summer.

The East Fairmont Company, of which Mr. Jas. L. Devenney, of Pittsburgh, is president, and P. R. Gailmard, of Fairmont, secretary, owns one hundred and fifty acres of land having a river frontage of about a half mile. Thirty acres, beautiful for situation, is virgin forest, while a young growth of straight, tall poplars in an adjoining field will add several more in a few years. The place is almost an ideal one for a park. Large stately trees, rounded knolls and everything to remind one of his squirrel hunting days when a boy on the farm. The spot is pretty now, but it is nothing to what it will be when the underbrush is cut out and the trees have put out their summer foliage. Work will be commenced at once in beautifying the place. Mr. J. W. Bolce and Mr. P. R. Gailmard are the only Fairmonters who have money invested in the company, but their president, Mr. Devenney, can almost be counted a Fairmonter, so much interested is he in this region. Mr. Devenney is reported to be worth at least a million dollars. He proposes to spend \$12,000 in putting the park in condition so that Fairmonters will have somewhere to go and rest on hot summer days.

Every attraction incident to the modern city park will eventually be found there. Excursion boats will make trips to and from the park at a round trip fare of twenty-five cents. A band will furnish music on the boat. At the entrance of the park will be an arch lit up by many colored electric lights bearing the name of the place. On the inside will be a merry-go-round, freak shows and various other things, while near the park will be a grand stand and base ball grounds.

The promoters of the enterprise are very enthusiastic over it, and they propose to make it so attractive that people will want to go often and stay a long time. When the hot summer evenings come what will be nicer than to take your "honey" for a ride on the steamboat with a jolly crowd on board and enchanting music vibrating over the placid waters?

## WEST AND MARTIN

ARRESTED AND LANDED IN JAIL AS ACCOMPLICES OF NOAH SLOANE.

THE HEARING IS GOING ON THIS EVENING BEFORE COMMISSIONER FRED MARTIN.

Noah Sloane, Clarence West and Sylvester Martin are being given a hearing before U. S. Commissioner Fred T. Martin, this evening. Sloane is the man who was caught by the elevator after he had broken into the New England store and post-office at Watson. He made a confession implicating West and Martin.

The hearing is given before a United States Commissioner because of the postoffice in the building. District Attorney E. M. Showalter is conducting the case for the government. Deputy Marshal Dan R. Jackson brought West and Martin to jail last evening.